

117TH CONGRESS
2^D SESSION

S. 3742

AN ACT

To establish a pilot grant program to improve recycling
accessibility, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Recycling Infrastruc-
3 ture and Accessibility Act of 2022”.

4 **SEC. 2. RECYCLING INFRASTRUCTURE AND ACCESSIBILITY**
5 **PROGRAM.**

6 (a) **DEFINITIONS.**—In this section:

7 (1) **ADMINISTRATOR.**—The term “Adminis-
8 trator” means the Administrator of the Environ-
9 mental Protection Agency.

10 (2) **CURBSIDE RECYCLING.**—The term
11 “curbside recycling” means the process by which
12 residential recyclable materials are picked up
13 curbside.

14 (3) **ELIGIBLE ENTITY.**—The term “eligible enti-
15 ty” means—

16 (A) a State (as defined in section 1004 of
17 the Solid Waste Disposal Act (42 U.S.C.
18 6903));

19 (B) a unit of local government;

20 (C) an Indian Tribe; and

21 (D) a public-private partnership.

22 (4) **INDIAN TRIBE.**—The term “Indian Tribe”
23 has the meaning given the term in section 4 of the
24 Indian Self-Determination and Education Assistance
25 Act (25 U.S.C. 5304).

26 (5) **MATERIALS RECOVERY FACILITY.**—

1 (A) IN GENERAL.—The term “materials
2 recovery facility” means a recycling facility
3 where primarily residential recyclables, which
4 are diverted from disposal by a generator and
5 collected separately from municipal solid waste,
6 are mechanically or manually sorted into com-
7 modities for further processing into specifica-
8 tion-grade commodities for sale to end users.

9 (B) EXCLUSION.—The term “materials re-
10 covery facility” does not include a solid waste
11 management facility that may process munic-
12 ipal solid waste to remove recyclable materials.

13 (6) PILOT GRANT PROGRAM.—The term “pilot
14 grant program” means the Recycling Infrastructure
15 and Accessibility Program established under sub-
16 section (b).

17 (7) RECYCLABLE MATERIAL.—The term “recy-
18 clable material” means obsolete, previously used, off-
19 specification, surplus, or incidentally produced mate-
20 rial for processing into a specification-grade com-
21 modity for which a market exists.

22 (8) TRANSFER STATION.—The term “transfer
23 station” means a facility that—

1 (A) receives and consolidates recyclable
2 material from curbside recycling or drop-off fa-
3 cilities; and

4 (B) loads the recyclable material onto trac-
5 tor trailers, railcars, or barges for transport to
6 a distant materials recovery facility or another
7 recycling-related facility.

8 (9) UNDERSERVED COMMUNITY.—The term
9 “underserved community” means a community, in-
10 cluding an unincorporated area, without access to
11 full recycling services because—

12 (A) transportation, distance, or other rea-
13 sons render utilization of available processing
14 capacity at an existing materials recovery facil-
15 ity cost prohibitive; or

16 (B) the processing capacity of an existing
17 materials recovery facility is insufficient to
18 manage the volume of recyclable materials pro-
19 duced by that community.

20 (b) ESTABLISHMENT.—Not later than 18 months
21 after the date of enactment of this Act, the Administrator
22 shall establish a pilot grant program, to be known as the
23 “Recycling Infrastructure and Accessibility Program”, to
24 award grants, on a competitive basis, to eligible entities

1 to improve recycling accessibility in a community or com-
2 munities within the same geographic area.

3 (c) GOAL.—The goal of the pilot grant program is
4 to fund eligible projects that will significantly improve ac-
5 cessibility to recycling systems through investments in in-
6 frastructure in underserved communities through the use
7 of a hub-and-spoke model for recycling infrastructure de-
8 velopment.

9 (d) APPLICATIONS.—To be eligible to receive a grant
10 under the pilot grant program, an eligible entity shall sub-
11 mit to the Administrator an application at such time, in
12 such manner, and containing such information as the Ad-
13 ministrator may require.

14 (e) CONSIDERATIONS.—In selecting eligible entities
15 to receive a grant under the pilot grant program, the Ad-
16 ministrator shall consider—

17 (1) whether the community or communities in
18 which the eligible entity is seeking to carry out a
19 proposed project has curbside recycling;

20 (2) whether the proposed project of the eligible
21 entity will improve accessibility to recycling services
22 in a single underserved community or multiple un-
23 derserved communities; and

1 (3) if the eligible entity is a public-private part-
2 nership, the financial health of the private entity
3 seeking to enter into that public-private partnership.

4 (f) PRIORITY.—In selecting eligible entities to receive
5 a grant under the pilot grant program, the Administrator
6 shall give priority to eligible entities seeking to carry out
7 a proposed project in a community in which there is not
8 more than 1 materials recovery facility within a 75-mile
9 radius of that community.

10 (g) USE OF FUNDS.—An eligible entity awarded a
11 grant under the pilot grant program may use the grant
12 funds for projects to improve recycling accessibility in
13 communities, including in underserved communities, by—

14 (1) increasing the number of transfer stations;

15 (2) expanding curbside recycling collection pro-
16 grams where appropriate; and

17 (3) leveraging public-private partnerships to re-
18 duce the costs associated with collecting and trans-
19 porting recyclable materials in underserved commu-
20 nities.

21 (h) PROHIBITION ON USE OF FUNDS.—An eligible
22 entity awarded a grant under the pilot grant program may
23 not use the grant funds for projects relating to recycling
24 education programs.

1 (i) MINIMUM AND MAXIMUM GRANT AMOUNT.—A
2 grant awarded to an eligible entity under the pilot grant
3 program shall be in an amount—

4 (1) not less than \$500,000; and

5 (2) not more than \$15,000,000.

6 (j) SET-ASIDE.—The Administrator shall set aside
7 not less than 70 percent of the amounts made available
8 to carry out the pilot grant program for each fiscal year
9 to award grants to eligible entities to carry out a proposed
10 project or program in a single underserved community or
11 multiple underserved communities.

12 (k) FEDERAL SHARE.—

13 (1) IN GENERAL.—Subject to paragraph (2),
14 the Federal share of the cost of a project or pro-
15 gram carried out by an eligible entity using grant
16 funds shall be not more than 90 percent.

17 (2) WAIVER.—The Administrator may waive
18 the Federal share requirement under paragraph (1)
19 if the Administrator determines that an eligible enti-
20 ty would experience significant financial hardship as
21 a result of that requirement.

22 (l) REPORT.—Not later than 2 years after the date
23 on which the first grant is awarded under the pilot grant
24 program, the Administrator shall submit to Congress a re-

1 port describing the implementation of the pilot grant pro-
2 gram, which shall include—

3 (1) a list of eligible entities that have received
4 a grant under the pilot grant program;

5 (2) the actions taken by each eligible entity that
6 received a grant under the pilot grant program to
7 improve recycling accessibility with grant funds; and

8 (3) to the extent information is available, a de-
9 scription of how grant funds received under the pilot
10 grant program improved recycling rates in each com-
11 munity in which a project or program was carried
12 out under the pilot grant program.

13 (m) AUTHORIZATION OF APPROPRIATIONS.—

14 (1) IN GENERAL.—There are authorized to be
15 appropriated to the Administrator to carry out the
16 pilot grant program such sums as may be necessary
17 for each of fiscal years 2023 through 2027, to re-
18 main available until expended.

19 (2) ADMINISTRATIVE COSTS AND TECHNICAL
20 ASSISTANCE.—Of the amounts made available under
21 paragraph (1), the Administrator may use up to 5
22 percent—

23 (A) for administrative costs relating to car-
24 rying out the pilot grant program; and

1 (B) to provide technical assistance to eligi-
2 ble entities applying for a grant under the pilot
3 grant program.

Passed the Senate July 28, 2022.

Attest:

Secretary.

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